

## Law Offices of Joseph L. Manson III

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March 23, 2020

VIA ECF

The Honorable Laura T. Swain  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Universitas Educ., LLC v. Nova Group, Inc.*, Case Nos. 11-civ-1590 (LTS)(HBP)  
and 11-civ-8726 (LTS)(HBP)

Dear Judge Swain,

We represent petitioner Universitas Education, LLC (“Universitas”) in the above-captioned action. We write to respectfully request that this Court enter judgment against Benistar Admin Services, Inc. (“BASI”).

BASI is an alter ego of Daniel Carpenter. *See Iantosca v. Benistar Admin. Servs.*, 567 Fed. Appx. 1, 3 (1st Cir. 2014) (“A number of those original defendants in the *Cahaly* litigation, including Benistar Admin Services, Inc. (“BASI”), were found to be alter egos of Carpenter.”). The Court entered judgment against Daniel Carpenter for \$30,600,000. (J., ECF No. 475.) The Court previously found that Universitas could enforce the Carpenter judgment against entities found to be Carpenter alter egos. (Order, ECF No. 588.) The Court later reiterated this, and further clarified that BASI was among the alter ego entities subject to Universitas’ restraining notices. (Order, ECF No. 644.) However, judgment was never entered against BASI.

Universitas is still in the process of enforcing its judgment against its judgment debtors and would like to enforce the Carpenter judgment against BASI. Although Universitas can subject BASI’s assets to restraining notices, it cannot seek relief directly from BASI. Accordingly, Universitas respectfully requests that this Court enter judgment against BASI for \$30,600,000. We have included with this letter a Proposed Order providing such judgment. Should the Court enter judgment against BASI, Universitas further requests that the Court enter judgment against Molly Carpenter as BASI is also an alter ego of Molly Carpenter. *Cahaly v. Benistar Prop. Exch. Trust Co., Inc.*, Case No. SJC-10041 (Mass. June 26, 11, 2008).<sup>1</sup> A second Proposed Order providing such judgment is included with this letter.

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<sup>1</sup> A copy of this opinion is attached as Exhibit A.

Universitas is trying to proceed with the project. The Carpenter entities have done nothing but continue their practice of obfuscation and delay, preventing Universitas from any meaningful recovery of the stolen funds that was contemplated by Your Honor's rulings. We have made our best efforts to speak with opposing counsel about this request, including letter correspondence and phone calls. Opposing counsel indicated that they would get back to us no later than March 20th. Universitas has not heard from counsel, and accordingly seeks relief from the Court.

Respectfully Submitted,

/s/ Benjamin Chernow \_\_\_\_\_  
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Cc: All Interested Counsel (by ECF)